

**Town Board Minutes**  
(Municipal Review Committee )

**Meeting**  
**No. 27**

**Special Meeting**

**September 10, 2007**

# Town Board Minutes

September 10, 2007

Meeting No. 27

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 10<sup>th</sup> day of September 2007, at 6:30 PM and there were

## **PRESENT:**

MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR  
REBECCA ANDERSON, PLANNING BOARD MEMBER  
JOHN GOBER, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER  
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

## **ABSENT**

DANIEL AMATURA, COUNCIL MEMBER  
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER  
STEVEN SOCHA, PLANNING BOARD MEMBER

## **ALSO PRESENT:**

JOHANNA COLEMAN, TOWN CLERK  
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

## **PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

**IN THE MATTER OF THE SEQR REVIEW OF THE  
5849 BROADWAY DEVELOPMENT SITE PLAN**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the 5849 Broadway Apartments Site Plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 0.77 acres.

The location of the premises being reviewed is situate at 5849 Broadway, County of Erie, Town of Lancaster, New York.

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER STEMPNIAK      WHO MOVED  
ITS ADOPTION,                      SECONDED BY PLANNING  
BOARD MEMBER SZYMANSKI,                      TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:  
5849 BROADWAY DEVELOPMENT SITE PLAN  
NEGATIVE DECLARATION**

## REASONS SUPPORTING DETERMINATION

### FINDINGS STATEMENT - PROJECT IMPACTS

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will not receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
  - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.  
**No significant adverse effects noted**
  - C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.  
**No significant adverse effects noted**
  - C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.  
**No significant adverse effects noted**
  - C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.  
**No significant adverse effects noted**
  - C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.  
**No significant adverse effects noted**
  - C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.  
**No significant adverse effects noted**
  - C.7 Other impacts (including changes in use of either quantity or type of energy).  
**No significant adverse effects noted**
- D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).

E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_  
Robert H. Giza, Supervisor  
Town of Lancaster

SEAL

September 10, 2007

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

September 10, 2007

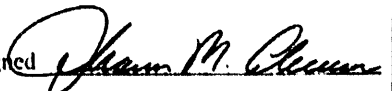
**ADJOURNMENT:**

ON MOTION OF PLANNING BOARD CHAIRMAN KEYSA AND  
SECONDED BY PLANNING BOARD MEMBER SZYMANSKI FOR ADJOURNMENT OF  
THE MEETING, which resulted as follows:

COUNCIL MEMBER AMATURA	WAS ABSENT
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	WAS ABSENT
PLANNING BOARD MEMBER SOCHIA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 6:43 P.M.

Signed

  
Johanna M. Coleman, Town Clerk

# **Town Board Minutes**

**Meeting  
No. 28**

**Regular Meeting**

**September 10, 2007**

# **Town Board Minutes**

September 10, 2007

Meeting No. 27

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 10<sup>th</sup> day of September 2007 at 8:00 P.M. and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
TERRENCE McCracken, GENERAL CREW CHIEF  
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

## **EXECUTIVE SESSION:**

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER MONTOUR AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing a Police contract matter and the water line contract.

At 10:05 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

## **PERSONS ADDRESSING TOWN BOARD:**

**Chowaniec, Lee**, 93 Northwood Drive, spoke to the Town Board on the following matter:

- Tim Horton's site plan, 4849 Transit Road

**Prior, Colleen**, spoke to the Town Board on the following matter:

- Roseland Subdivision, Phase II



**Lukowski, Donna**, 129 Brunck Road, spoke to the Town Board on the following matters:

- Tim Horton's site plan, 4849 Transit Road
- Windsor Ridge South Subdivision

**Formato, James**, spoke to the Town Board on the following matter:

- School Resource Officer

**Hatt, Garrett**, 10 Queensway, spoke to the Town Board on the following matter:

- Tim Horton's site plan, 4849 Transit Road

**Braccie-Hatt, Laurie**, 10 Queensway, spoke to the Town Board on the following matter:

- Tim Horton's site plan, 4849 Transit Road

**Zimpfer, Scott**, 57 Michael Anthony Lane, spoke to the Town Board on the following matter:

- Tim Horton's site plan, 4849 Transit Road

**Schneggenburger, Roy**, 87 Stony Road, spoke to the Town Board on the following matters:

- Program Coordinator Family Support Center
- Social Work Counselor Program
- School Resource Officer position & agreement
- Iraq War
- Fiduciaries
- personal political party preference

**Kalczynski, Martin**, 2 Northwood Drive, spoke to the Town Board on the following matters:

- Tim Horton's site plan, 4849 Transit Road
- Wal-Mart, NEC Transit/William

**Ornat, Melissa**, 29 Michael Anthony Lane, spoke to the Town Board on the following matter:

- Tim Horton's site plan, 4849 Transit Road

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Joint Meeting of the Town Board and the Planning Board held August 20, 2007 and the Regular Meeting of the Town Board held August 20, 2007 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK. TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter  
dated August 19, 2007 has requested the addition of a member and the deletion of a member to  
the roster of said fire association.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby confirms the  
addition to the membership and the deletion to the membership of the Twin District Volunteer  
Fire Company the following individuals:

**ADDITION:**

Jonathan Ziders  
12 Sherborne Avenue  
Lancaster, New York

**DELETION:**

Paul Czyz  
48 Bentley Circle  
Lancaster, New York

The question of the adoption of the foregoing resolution was duly put to a vote  
on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

File: RFIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS, TONY SCIRRI, d/b/a G & S Management, 8145 Clarence Center Road, East Amherst, New York, the lessee of certain property located at 6497 Transit Road, Bowmansville, in the Town of Lancaster, New York has submitted an application for a Special Use Permit for automobile sales in accordance with provisions of Chapter 50-Zoning, Section 20 (B) (1) (j) of the Code of the Town of Lancaster.**

**NOW, THEREFORE, BE IT**

**RESOLVED,** that pursuant to §50-20 (B) (1) (j), of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for automobile sales on premises locally known as 6497 Transit, Road, Bowmansville in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 1<sup>st</sup> day of October, 2007 at 8:35 o'clock P.M., Local Time, and that Notice of the time and place of such hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239 (m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

**LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER  
SPECIAL USE PERMIT - G & S MANAGEMENT  
AUTOMOBILE SALES**

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in §50-20 (B)(1) (j) Auto Sales of Chapter 50-Zoning, of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 10th day of September, 2007, the Town Board will hold a Public Hearing on the 1<sup>st</sup> day of October, 2007, at 8:35 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Tony Scirra for a Special Use Permit, for automobile sales on premises locally known as 6497 Transit Road, Bowmansville, in the Town of Lancaster, County of Erie and State of New York .

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER

BY:        Johanna M. Coleman  
             Town Clerk

September 10, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS, Octane Enterprises, Inc., d/b/a Octane Auto Sales, 5151 Genesee Street, Bowmansville, New York, has submitted an application for a Special Use Permit for a used automobile sales business in accordance with provisions of Chapter 50-Zoning, Section 20 (B) (1) (j) of the Code of the Town of Lancaster to be located at 5151 Genesee Street (southeast corner of Transit Road and Genesee Street) wherein the applicant will be a tenant of Eileen M. Leo, d/b/a Kovach Enterprises, and**

**WHEREAS, the property is currently zoned CMS - Commercial Motor Service which permits the sale of motor vehicles only where a special use permit is granted by the Town Board of the Town of Lancaster after a public hearing, and**

**WHEREAS, the owner of the property Eileen M. Leo, d/b/a Kovach Enterprises has provided a sworn statement that she has no objection to this proposed use by the tenant, and**

**WHEREAS, §50-46 of the Zoning Code of the Town of Lancaster requires that the Town Board conduct public hearings before the issuance of a special use permit for a use as proposed.**

**NOW, THEREFORE, BE IT**

**RESOLVED, that pursuant to Chapter 50-Zoning, Section 20 (B) (1) (j), entitled "Commercial and Motor Service District (CMS)" of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for a used automobile sales business on premises locally known as 5151 Genesee Street in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 1<sup>st</sup> day of October, 2007, 8:30 o'clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

**LEGAL NOTICE  
PUBLIC HEARING  
SPECIAL USE PERMIT - Octane Enterprises, Inc.  
5151 GENESEE STREET**

**LEGAL NOTICE IS HEREBY GIVEN**, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) (1) (j), entitled "Commercial and Motor Service District (CMS)" of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 10th day of September, 2007 the said Town Board will hold a Public Hearing on the 1<sup>st</sup> day of October, 2007, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Octane Enterprises, Inc., for a Special Use Permit for a used automobile sales business on premises locally known as 5151 Genesee Street, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN  
Town Clerk**

September 10, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPIAK. TO WIT:

**WHEREAS**, Salvatore Balesteri, 367 Linwood Avenue, Buffalo, New York, has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Roseland Subdivision, Phase I, and

**WHEREAS**, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plan and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Public Improvement Permit Application No.629 of Salvatore Balesteri, 367 Linwood Avenue, Buffalo, New York, for the installation of:

P.I.P. No. 629  
(Street Lights)

8 street lights and poles, wire, pipe, head, and eye  
per NYSEG print and Town of Lancaster specs.

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA VOTED YES

COUNCIL MEMBER MONTOUR VOTED YES

COUNCIL MEMBER RUFFINO VOTED YES

COUNCIL MEMBER STEMPIAK VOTED YES

SUPERVISOR GIZA VOTED YES

September 10, 2007



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, Dog Control Officer David R. Horn of the Town of Lancaster, by letter dated August 15, 2007, has requested the appointment of an assistant Dog Control Officer part-time while Assistant Dog Control Officer Richard Walczak is out indefinitely with impending surgery, and

**WHEREAS**, the Dog Control Officer has recommended the appointment of **Brian Gummo**, 191 Calumet Street, Depew, New York 14043 to the position of assistant Dog Control Officer part-time.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that **Brian Gummo**, 191 Calumet Street, Depew, New York 14043 be and is hereby appointed to the position of assistant Dog Control Officer part-time, effective September 11, 2007, with no health benefits, insurance, sick days, vacation, or other benefits, and that the salary for this position is \$11.18 per hour which is 75% of the full salary of \$14.91, as set forth in the 2007 Schedule of Salaries.

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA. WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER MONTOUR. TO WIT:

**WHEREAS**, Town Justices Timothy J. Dwan and J. Michael Kelleher of the Town of Lancaster Justice Court, by letter dated August 21, 2007, have requested the appointment of a Court Officer part time, during court proceedings for the Justice Court of the Town of Lancaster, and

**WHEREAS**, the Town Justices have recommended the appointment of **Kevin Sikorski**, 127 Choate Avenue, Buffalo, New York 14220 to the position of Court Officer part time, during court proceedings for the Justice Court of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that **Kevin Sikorski**, 127 Choate Avenue, Buffalo, New York 14220 be and is hereby appointed to the position of Court Officer part time during court proceedings in the Justice Court of the Town of Lancaster, effective September 11, 2007, at the rate of \$13.27 per hour, working a minimum of three (3) hours per court session (usually two (2) court sessions per week), with no benefits, and

**BE IT FURTHER,**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster, by letter dated July 30, 2007, has requested the extension of Timothy Gwarek's employment with the Highway Department.

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That Timothy Gwarek, currently employed in the Town of Lancaster Highway Department as laborer part-time, temporary, seasonal be appointed to laborer regular part-time at this current rate of \$9.00 per hour, to work three (3) days per week.
2. That this appointment shall take effect on October 1, 2007.
3. That this appointment being a part-time position, provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part-time employees.

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Executive Director of the Youth Bureau by letter dated September 5, 2007 recommends that the Town of Lancaster continue to participate in the collaborative effort by providing 50% of the annual compensation of approximately \$34,189 and 50% of the annual cost of health insurance costs of \$11,252 for the Coordinator for the Family Support Center within the Lancaster Central School District, and

**WHEREAS**, the Town will provide 50% of the cost of annual compensation and annual health insurance for providing this service to the community.

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Supervisor of the Town of Lancaster is hereby authorized to enter into an Agreement with the Lancaster Central School District for the purpose of providing a Program Coordinator for the Family Support Center for the period of September 1, 2007 to June 30, 2008 with the Town paying 50% of the annual compensation and annual health insurance of the Program Coordinator. The Town of Lancaster will contribute its 50% share in the amount of \$22,721 by making installment payments to the Lancaster Central School District as follows: to be paid in four installments of \$5,680.25 on or about October 1, 2007, on or about December 1, 2007, on or about February 1, 2008 and on or about April 1, 2008.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

file: rprogram coordinator family support center (14)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Recreation Program** within the geographic area of the Town of Lancaster for the period of January 1, 2008 through December 31, 2008, and

**WHEREAS**, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Recreation Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

**WHEREAS**, a proposed budget for the Youth Recreation Program has been submitted for the period January 1, 2008 through December 31, 2008 in the sum of \$904,398 subject to approval by the Town Board.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that submitting a renewal application to the New York State Office of Children and Youth Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

File: File RSTATE.YTH (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Initiative-Social Work Counselor Program** within the geographic area of the Town of Lancaster for the period of January 1, 2008 through December 31, 2008. and

**WHEREAS**, the Town Board has authorized such joint program for the period commencing July 1, 2007 and ending June 30, 2008, with the Lancaster Central School District, and

**WHEREAS**, it is in the public interest that the Town of Lancaster see to the continuation of this worthwhile program inasmuch as the other participant in the program, the Lancaster Central School District, has so indicated its intention to continue the program beyond the current fiscal year, and

**WHEREAS**, a proposed budget for the Youth Initiative-Social Work Counselor Program has been submitted for the period January 1, 2008 through December 31, 2008, in the sum of \$47,987, subject to approval by the Town Board, and

**WHEREAS**, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Initiative Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the renewal application to the New York State Office of Youth and Family Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER STEMPIAK. TO WIT:

**WHEREAS**, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Bureau Program** within the geographic area of the Town of Lancaster for the period of January 1, 2008 through December 31, 2008, and

**WHEREAS**, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Bureau Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

**WHEREAS**, a proposed budget for the Youth Bureau Program has been submitted for the period January 1, 2008 through December 31, 2008 in the sum of \$122,549, subject to approval by the Town Board.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that submitting a renewal application to the New York State Office of Children and Family Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

File: Rstate.yth (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, it is the intention of the Town Board of the Town of Lancaster to sponsor a **Youth Service Program** within the geographic area of the Town of Lancaster for the period of January 1, 2008 through December 31, 2008, and

**WHEREAS**, the Town of Lancaster is about to submit a renewal application for state aid for the operation of such Youth Service Program to the New York State Office of Children and Family Services, Albany, New York, for partial reimbursement of funds to be expended on said program, and

**WHEREAS**, a proposed budget for the Youth Service Program has been submitted for the period January 1, 2008 through December 31, 2008, in the sum of \$239,186, subject to approval by the Town Board.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that submitting a renewal application to the New York State Office of Children and Family Services is in all respects approved and that Robert H. Giza, Supervisor of the Town of Lancaster, be and hereby is authorized and directed to execute and present the aforesaid application to the New York State Office of Children and Family Services, Albany, New York, for its approval.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

File: Rstate.yth (P5)



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION. SECONDED BY  
COUNCIL MEMBER AMATURA. TO WIT:

**WHEREAS**, the Town of Lancaster has heretofore established a joint Social Work Counselor Program with the Lancaster Central School District and desires to continue this program, and

**WHEREAS**, the Town Board has received assurance of participation in State funding by the New York State Office of Children and Family Services and the Lancaster Central School District.

**NOW, THEREFORE, BE IT**

**RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby agrees to continue a joint program for a Social Work Counselor to work in the Town of Lancaster with Lancaster Central School children in response to a demonstrated need for such services in order to reduce juvenile delinquency, enhance educational and social opportunities for youth of the Town of Lancaster and to reduce the impact of drug use, truancy, vandalism and juvenile pregnancy, and otherwise reduce the impact of social pressures upon single-parent youth, for the period commencing July 1, 2007 and ending June 30, 2008 and

2. That funding for the program, at a total annual cost of approximately \$67,924, which includes \$46,208 for direct salary, and \$21,716 for contractual expenses and fringe benefits, for the period July 1, 2007 to June 30, 2008 shall be provided at \$4,583 or approximately ten percent (10%) of direct salary from the New York State Office of Children and Family Services; \$31,670.50 or approximately forty-five (45%) of direct salary, plus one half contractual expenses and fringe benefit costs from the Town of Lancaster, to be drawn from the General Fund Account "Social Work Counselor Program", and \$31,670.50 or approximately 45% of direct salary plus one-half contractual expenses and fringe benefit costs, from the Lancaster Central School District, and

3. That the Supervisor be and hereby is authorized and directed to sign an Agreement to renew said program, said Agreement to be drawn by the Town Attorney, providing for participation in said program by the Town of Lancaster, the New York State Office of Children and Family Services and the Lancaster Central School District.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, a vacancy exists in the Police Department for the recently created position of Clerk-Typist, and

**WHEREAS**, the Chief of Police by letter dated September 5, 2007, has requested the appointment of Shirley Hunt, 13 Cedar Brook Drive, Lancaster, New York 14086 to the civil service competitive position of Clerk Typist in the Police Department on a lateral transfer from the Springsville-Griffith Central School District to fill this vacancy, and

**WHEREAS**, this type of lateral transfer requires pre-approval from the County of Erie Personnel Department, and which approval has been obtained by the Supervisor's Office.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Shirley Hunt, 13 Cedar Brook Drive, Lancaster, New York 14086, be and is hereby appointed to the permanent civil service competitive position of Clerk Typist, full time, in the Police Department of the Town of Lancaster, effective September 19, 2007, at a salary of \$36,800, as set forth in the 2007 Schedule of Salaries for said position, with full benefits, and

**BE IT FURTHER**

**RESOLVED**, that in accordance with the CSEA White Collar Bargaining Agreement, Shirley Hunt is credited with prior years of full time employment for the purpose of vacation benefit entitlement and accumulated sick leave, and

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO. TO WIT:

**WHEREAS**, the Chief of Police of the Town of Lancaster, by letter dated August 31, 2007, has requested the appointment of Police Officer Thomas Bulera to the position of Detective, temporary, to fill the vacancy created by the retirement of Detective Gerald Oleksy on July 10, 2007.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Thomas Bulera be and is hereby appointed to the position of Detective, temporary, in the Town of Lancaster Police Department, effective September 10, 2007, on step as follows:

9/10/07 to 12/09/07	\$61,563
12/10/07 to 12/31/07	\$62,438

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK. TO WIT:

**WHEREAS**, the General Crew Chief of the Parks, Recreation, and Forestry Department, by letter dated August 28, 2007, has requested the appointment of Samantha Wlostowski, 104 Olmstead Avenue, Depew, New York 14043 to the position of part-time lifeguard for the fall/winter 2007-08 aquatic program in the Parks & Recreation Department.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Samantha Wlostowski, 104 Olmstead Avenue, Depew, New York 14043 be and is hereby appointed to the position of part-time lifeguard for the fall/winter 2007-08 aquatic program in the Parks & Recreation Department, effective September 11, 2007, at the hourly rate of \$9.00 per hour with no benefits.

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA. TO WIT:

**WHEREAS**, on August 13, 2007, the Lancaster Central School District Board of Education approved a resolution to contract with the Town of Lancaster for two grade 7 - 12 School Resource Officers for the 2007-08 school year, and

**WHEREAS**, the Town of Lancaster currently has only one School Resource Officer, and

**WHEREAS**, the Chief of Police of the Town of Lancaster, by letter dated August 31, 2007, has recommended the appointment of Police Officer James J. Formato to fill the full-time position of a second School Resource Officer for the upcoming 2007-2008 school year.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby appoints Police Officer James J. Formato to the full-time position of School Resource Officer at the annual salary of \$63,313 in accordance with the terms of the Memorandum of Agreement effective September 1, 2004 and the Collective Bargaining Agreement between the Town and the Cayuga Club, Police Benevolent Association which is the collective bargaining unit representing members of the Town Police Department.

**BE IT FURTHER .**

**RESOLVED**, that this appointment is effective August 24, 2007.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR. TO WIT:

**WHEREAS**, the Town Board after review and consideration has deemed it in the public interest to seek professional services regarding the curb and driveway approach replacement in the Town of Lancaster, Erie County, New York, and

**WHEREAS**, Sicilia Construction Company has provided a proposal to the Town to provide professional services regarding the curb and driveway approach replacement in the Town of Lancaster, and

**WHEREAS**, after due review and consideration the Town Board of the Town of Lancaster hereby agrees to enter into an agreement for professional services with Sicilia Construction Company for the curb and driveway approach replacement in the Town of Lancaster;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement with Sicilia Construction Company for services as specified at a cost not to exceed \$29,385.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED IT'S ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to make certain amendments to the Town Ordinance entitled "VEHICLES AND TRAFFIC ORDINANCE OF THE TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK, DESIGNATED AS CHAPTER 40 OF THE CODE OF THE TOWN OF LANCASTER",

**NOW, THEREFORE, BE IT**

**RESOLVED**, that pursuant to Section 130 of the Town Law of the State of New York, a public hearing on proposed amendments to the Vehicle & Traffic Ordinance, Chapter 46 of the Code of the Town of Lancaster, County of Erie and State of New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 1<sup>st</sup> day of October 2007, at 8:40 o'clock P.M., Local Time, and that Notice of the Time and Place of such hearing be published on or before September 13, 2007 in the Lancaster Bee, the Official Newspaper, being a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

**LEGAL NOTICE  
PUBLIC HEARING  
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE  
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK  
DESIGNATED AS CHAPTER 46 OF CODE OF TOWN OF LANCASTER**

**LEGAL NOTICE IS HEREBY GIVEN** that pursuant to the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on the 10th day of September, 2007, the said Town Board will hold a Public Hearing on the 1st day of October, 2007, at 8:40 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all persons upon the following amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of said Town:

**CHAPTER 46**

**ARTICLE IX - Speed Regulations**

**§46-9. Maximum speed limits.**

- D. A speed limit of 35 miles per hour shall be posted on the following designated highways:

.....

- (11) Lake Avenue, for northbound and southbound traffic between William Street and its southern terminus.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

By: **JOHANNA M. COLEMAN**  
Town Clerk

September 10, 2007 .



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPIAK, TO WIT:

**WHEREAS**, General Crew Chief Terrence McCracken of the Town of Lancaster has requested that the Town Board authorize an invitation to bid for the removal of tree stumps and ground restoration in the Town of Lancaster, and

**WHEREAS**, the Town Board has given due review and consideration to the request and deems it in the public interest to invite public bids;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby invites public bid for the removal of tree stumps and ground restoration, said bids to be in conformance with the specifications which are available at the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York and to be received in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on September 27, 2007 and opened thereafter.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

File: rstumpgrinder907

**LEGAL NOTICE  
TOWN OF LANCASTER  
NOTICE TO BIDDERS**

**NOTICE IS HEREBY GIVEN** that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M., Local Time, on the 27<sup>th</sup> day of September 2007, for removal of tree stumps and ground restoration, said bids to be in conformance with the specifications which are available at the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in the amount of One Thousand Dollars (\$1,000.00) payable to the Supervisor of the Town of Lancaster and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE  
TOWN OF LANCASTER**

**BY:**

**JOHANNA M. COLEMAN  
Town Clerk**

September 10, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER RUFFINO, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Highway Superintendent of the Town of Lancaster, Richard Reese, has advised the Town Board that the Highway Department has a 2001 Dodge pick-up truck (VIN#3B7KF26Z01M258543), a 1996 Volvo dump truck (VIN#4V5SABBEOTR516451) and a 1991 White dump truck (VIN#4V2SABBE5MU508406) which are no longer of use to the department and has therefore requested that the Town Board deem the property to be surplus property and expose them to auction, and

**WHEREAS**, the Town Board has given due consideration to the request of the Highway Superintendent and deems it in the public interest to declare the beforementioned property to be surplus property and permit an auction of same.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby declares the beforementioned 2001 Dodge pick-up truck, 1996 Volvo dump truck and 1991 White dump truck to be surplus property and authorizes the Highway Superintendent to cause the auction of the beforedescribed property at an auction as deemed appropriate by the Highway Superintendent with the funds which are received at auction to be made payable to the Town of Lancaster and delivered to the Town Supervisor's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

**LEGAL NOTICE  
PUBLIC AUCTION  
OF TOWN OWNED SURPLUS EQUIPMENT**

Notice is hereby given that the Town Highway Department has a 2001 Dodge pick-up truck , a 1996 Volvo dump truck and a 1991 White dump truck which are deemed surplus equipment and will be auctioned at the Erie County Fairgrounds sponsored by Roy Teitsworth, Inc., Auctioneer, 6502 Barber Hill Road, Geneseo, New York 14454 on October 13, 2007.

Successful bidders must provide a payment of 10% of the bid price offered payable to the Town of Lancaster. The balance from the successful bidder is due 48 hours after the auction.

The surplus equipment may be inspected at the Town of Lancaster Highway Department, 525 Pavement Road, Lancaster, New York by contacting the Highway Department at 683-3426 to make an appointment.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, TDL Group, 4455 Transit Road, Suite 2B, Williamsville, New York 14221, has submitted a revised site plan prepared by FRA Planning Designing Building, dated August 24, 2007 and received August 31, 2007 for the proposed development of a **Tim Horton's Restaurant** with a drive-through along with associated parking located at 4849 Transit Road in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed the plan at its meeting held on May 2, 2007, and

**WHEREAS**, the Zoning Board has reviewed area variances requested and granted its approval, and

**WHEREAS**, a SEQR Review of this project was held August 6, 2007 and a negative declaration was issued at that time.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by TDL Group and prepared by FRA Planning Designing Building, dated August 24, 2007 and received August 31, 2007 for the proposed development of a Tim Horton's restaurant with a drive-through along with associated parking located at 4849 Transit Road in the Town of Lancaster conditioned on final landscaping to be approved by the General Crew Chief Terrance McCracken.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED NO
COUNCIL MEMBER RUFFINO	VOTED NO
COUNCIL MEMBER STEMPIAK	VOTED NO
SUPERVISOR GIZA	VOTED YES

September 10, 2007

File: rptimhortous807

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK. WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, Mark Aquino, 32 Central Avenue, Lancaster, New York 14086, has submitted a site plan prepared by Daniel Baccari, Architect, dated March 16, 2007, received August 10, 2007, and revised on September 5, 2007 and received September 7, 2007 for the proposed development of a multi-unit apartment building located at 5849 Broadway in the Town of Lancaster, and

**WHEREAS**, the Planning Board has reviewed the plan at its meeting held on September 5, 2007, and

**WHEREAS**, a SEQR Review of this project was held September 10, 2007 and a negative declaration was issued at that time;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by Mark Aquino and prepared by Daniel Baccari, Architect, dated March 16, 2006 received August 10, 2007 and revised on September 5, 2007 received September 7, 2007 for the proposed development of a multi-unit apartment building located at 5849 Broadway in the Town of Lancaster with the condition that hardwood trees be planted along the western property line.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

File: rspbroadwayapartment907

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town of Lancaster and the Lancaster Central School District have discussed the assignment of a second police officer as a School Resource Officer (SRO) to the Lancaster Central School District, and

**WHEREAS**, the Town and School District have reached an agreement for the assignment of this second School Resource Officer commencing with the opening of the school year in 2007 and for the renewal of the original agreement between the parties for an additional three (3) year term commencing September 1, 2007, and

**WHEREAS**, the Town Board deems it in the public interest to enter into an agreement with the School District for the assignment of two (2) School Resource Officers from the Town Police Department,

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement with the Lancaster Central School District for the assignment of a second school resource officer from the Town of Lancaster Police Department to the School District commencing in the school year 2007 and for the renewal of the agreement with the School District for an additional three (3) years commencing September 1, 2007.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid from  
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director  
of Administration and Finance, to wit:

Claim No. 10209 to Claim No. 10498 Inclusive

Total amount hereby authorized to be paid: \$797, 715.12

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

File: Reclaims



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPNIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

15001	Szczepanski, Mark	22 Ivy Way	Er. Res. Alt.	(V/L)
15002	KCM Custom Garages	281 Miller Ave	Er. Res. Add.	
15003	City Fence Inc	42 Stony Brook Dr	Er. Fence	
15004	Sun Enterprises	32 Summerfield Dr	Er. Shed	
15005	Expert Fence Co Inc	22 Wildwood Dr	Er. Fence	(V/L)
15006	Duro-Shed Inc	4 Peachtree Ct	Er. Shed	
15007	Duro-Shed Inc	15 Sussex Ln	Er. Shed	
15008	Natale Buiding Corp	2 Nicholas Ln	Er. Dwlg.-Sin.	
15009	Picket Fence	43 Summerfield Dr	Er. Fence	
15010	Forbes-Capretto	22 Sawgrass Ln	Er. Dwlg.-Sin.	
15011	Trapper, Kevin	38 Heritage Dr	Er. Res. Add.	
15012	D.K. Greene Properties	487 Erie St	Er. Sign-Wall	
15013	Iroquois Fence Inc	30 Sawgrass Ln	Er. Fence	
15014	Dexter, Frank	95 Court St	Er. Shed	(V/L)
15015	Wilson Farms	5380 Genesee St	Er. Sign-Temp	
15016	Duro-Shed Inc	31 Laverack Ave	Er. Shed	(V/L)
15017	Heritage Fence Co	208 Aurora St	Er. Fence	(V/L)
15018	Ferreira, Manuel	471 Pleasant View Dr	Er. Fence	
15019	Duro-Shed Inc	17 Fox Trace	Er. Shed	
15020	Horn, Kevin	21 Lakeside Cres	Er. Fence	(V/L)
15021	Prentice, Michael	20 Broezel Ave	Er. Shed	(V/L)
15022	Capital Fence Co	39 Doris Ave	Er. Fence	(V/L)
15023	Marino, Andrew	5483 Broadway	Er. Res. Alt.	(V/L)
15024	Kaz Brothers Const.	12 Lucia Ct	Er. Res. Add.	
15025	Lamparelli Const.	5386 Broadway	Er. Comm. Alt.	(V/L)
15026	Duro-Shed Inc	11 Chicory Ln	Er. Shed	
15027	Duro-Shed Inc	817 Ransom Rd	Er. Shed	
15028	Buszka, John	17 Pine View Ln	Er. Shed	
15029	Gattuso, Daryle	2673 Wehrle Dr	Er. Deck	
15030	Gattuso, Daryle	2673 Wehrle Dr	Er. Res. Add.	
15031	Essex Homes	26 Americo Ct	Er. Dwlg.-Sin.	
15032	Homestead Designs	7 Park Walk	Er. Shed	
15033	Forbes-Capretto	36 Sawgrass Ln	Er. Dwlg.-Sin.	
15034	Forbes-Capretto	14 Sawgrass Ln	Er. Dwlg.-Sin.	
15035	Rembecki, Michael	75 Woodlawn Ave	Er. Fence	(V/L)
15036	CL&F Development	16 Sawgrass Ln	Er. Shed	

15037	Mr. Pool Enterprises	40 Albert Dr	Er. Pool-In Grnd	(V/L)
15038	Duro-Shed Inc	25 Cambridge Ct	Er. Shed	
15039	Federal Building Co	14 Cayuga Ave	Dem. Garage	(V/L)
15040	Federal Building Co	14 Cayuga Ave	Er. Garage	(V/L)
15041	Atlantic Garages	602 Pavement Rd	Er. Garage	
15042	Parco Building Sys.	565 Ransom Rd	Er. Pole Barn	
15043	National Energy Sys.	9 Fieldstone Ln	Er. Res. Alt.	
15044	Imperial Fence Co	42 Sussex Ln	Er. Fence	
15045	Heritage Fence Co	16 Sawgrass Ln	Er. Fence	
15046	Forbes-Capretto	2 Muirfield Ln	Er. Dwlg.-Sin.	
15047	Designer Pools	16 Sawgrass Ln	Er. Pool-In Grnd	
15048	Santoro Signs Inc	5809 Broadway	Er. Sign	
15049	Duro-Shed Inc	135 Stony Rd	Er. Shed	
15050	Feldman, Pamela	990 Townline Rd	Er. Res. Alt.	
15051	Designer Pools	395 Seneca Pl	Er. Pool-In Grnd	
15052	Capital Fence Co. Inc	99 Burwell Ave	Er. Fence	(V/L)
15053	Parco Building Sys.	525 Pavement Rd	Er. Pole Barn	
15054	Natale Building Corp	30 Nicholas Ln	Er. Dwlg.-Sin.	
15055	Bison Fence Inc	77 Erie St	Er. Fence	(V/L)
15056	Capital Fence Co Inc	25 Matthews Dr	Er. Fence	
15057	Knoop, Shawn	34 Hemlock Ln	Er. Fence	
15058	Piacente, Heather	652 Aurora St	Er. Fence	
15059	Trapper, Ryan	24 Cedar Brook Dr	Er. Deck	
15060	Empire Building	2733 Wehrle Dr	Dem. 2 Dwlg.	
15061	Murrano/Marc Equity	11 St Davids Rd	Er. Dwlg.-Sin.	
15062	Cortese Bros Inc	3 Fox Hunt Rd	Er. Res. Add.	
15063	Kid's Korner	2655 Wehrle Dr	Er. Sign-Temp	

#### **BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

#### **BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 10, 2007

## COMMUNICATIONS & REPORTS:

433. Greater Buffalo-Niagara Regional Transportation Council to Town Board -  
Assessment of traffic impact for proposed Windsor Ridge South Subdivision. DISPOSITION = Received and Filed
434. Town Clerk to Town Board -  
Transmittal of Special Use Permit application for G & S Management Inc., 6497 Transit Road. DISPOSITION = Planning Committee, Town Attorney
435. Lee Chowanec to Town Board -  
Letter regarding site preparation work at Wal-Mart, Transit and William. DISPOSITION = Received and Filed
436. Concerned Citizens to Town Board -  
Petition requesting site plan denial for proposed Tim Horton's Restaurant, 4849 Transit Road. DISPOSITION = Resolution 9/10/07
437. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Deputy Town Attorney, Highway Superintendent, Building Inspector -  
Draft copy of minutes of meeting held August 15, 2007. DISPOSITION = Received and Filed
438. Planning Board to Town Board -  
Recommend approval of subdivision sketch plan for proposed Roseland Subdivision, Phase II; conditions noted. DISPOSITION = Planning Committee
439. Planning Board to Town Board -  
Notice of adjournment to September 5, 2007 meeting for site plan review for Seven Unit Apartment Building, 5849 Broadway; condition noted. DISPOSITION = Received and Filed
440. Village of Lancaster to Town Board -  
Minutes of meeting held August 13, 2007. DISPOSITION = Received and Filed
441. Twin District Fire Company to Town Clerk -  
Request for change in roster. DISPOSITION = Resolution 9/10/07
442. Town Clerk to Thomas H. Watson, Jr. -  
Acknowledgment of receipt of letter regarding traffic conditions on Pleasant View Drive. DISPOSITION = Police Chief
443. Town of Hamburg to Supervisor -  
Transmittal of a resolution supporting the efforts of the Animal Alliance of Western New York and the Erie County SPCA and a resolution opposing the Governor's proposal regarding the siting of windmills. DISPOSITION = For Resolution
444. Town Attorney to Building Inspector -  
Notice to enforce the re-roofing regulations of the NY State Fire Prevention and Building Code. DISPOSITION = Received and Filed
445. Paul Keller to Supervisor -  
Request to purchase town-owned land behind 72 Southpoint Drive. DISPOSITION = Town Attorney
446. NYS Assembly Member Mike Cole, 142<sup>nd</sup> District to Supervisor -  
Request resolution to conduct traffic study on Town Line Road. DISPOSITION = Police Chief
447. Time Warner Cable to Supervisor -  
Letter regarding Time Warner's perspective on the carriage of NFL Network on local cable television. DISPOSITION = Received and Filed
448. Town Justices to Supervisor -  
Request resolution to appoint Kevin Sikorski part time court officer. DISPOSITION = Resolution 9/10/07

449. Town of Brant to Town Board -  
Transmittal of resolution asking NYS Governor and Assembly to support Senate bill eliminating school property tax. DISPOSITION = Received and Filed
450. Town of Brant to Town Board -  
Transmittal of resolution urging County to fund maintenance of county roads. DISPOSITION = Received and Filed
451. Town of Eden to Town Board -  
Transmittal of a resolution supporting the efforts of the Animal Alliance of Western New York and the Erie County SPCA and a resolution opposing the Governor's proposal regarding the siting of windmills. DISPOSITION = Received and Filed
452. Town of Brant to Town Board -  
Transmittal of resolution in support of Spartan II body armor vests for U.S. soldiers. DISPOSITION = Received and Filed
453. Cindy Burger to Town Board -  
Letter regarding recent changes to signals at intersections Harris Hill Road and Pleasant View Drive and Harris Hill Road and Wehrle Drive. DISPOSITION = Resolution 9/10/07
454. Dog Control Officer to Town Board -  
Request resolution to appoint Brian Gummo part time Assistant Dog Control Officer. DISPOSITION = Resolution 9/10/07
455. Lancaster Town Band, Inc. to Supervisor, Town Board -  
Letter of appreciation to Town for continued support and assistance. DISPOSITION = Received and Filed
456. Erie County Department of Environment & Planning, Division of Sewerage Management to Erdman Anthony and Associates -  
Comments regarding site plan of proposed Dairy Queen Grill and Chill Restaurant, 6711 Transit Road. DISPOSITION = Received and Filed
457. Mary Lou Rath, N.Y.S. Senator to Town Clerk -  
Acknowledgment of receipt of copy of resolution regarding Governor's proposed real property tax reform (Middle Class STAR). DISPOSITION = Received and Filed
458. Wm. Schutt & Associates, P.C. to Town Board -  
Recommend awarding of contract for curb and driveway approach replacement to the lowest responsible bidder, namely, Sicilia Construction Company, Inc. DISPOSITION = Resolution 9/10/07
459. NYS DOT to Town Attorney -  
Notice of no comments or concerns regarding preliminary plat plan for The Greens at Pleasant Meadows Subdivision 4. DISPOSITION = Received and Filed
460. Covanta Energy to Supervisor -  
Notice of change-in-law regarding the Municipal Waste Agreement dated January 1, 1988. DISPOSITION = Received and Filed
461. Highway Superintendent to Town Board -  
Request resolution to award contract for curb and driveway approach replacement to the lowest responsible bidder, namely, Sicilia Construction Company, Inc. DISPOSITION = Resolution 9/10/07
462. Wm. Schutt & Associates, P.C. to Town Board -  
Transmittal of annual letter from Erie County Water Authority indicating recommended capital improvement plan for the Town's water system. DISPOSITION = Received and Filed
463. Executive Director, Youth Bureau to Supervisor, Town Board -  
Request to continue to participate with the Lancaster Central School District to provide a Program Coordinator. DISPOSITION = Resolution 9/10/07

464. General Crew Chief to Supervisor -  
Request resolution to appoint Samantha Wlostowski lifeguard. DISPOSITION = Resolution 9/10/07
465. General Crew Chief to Planning Board, Council Members Montour, Ruffino, & Stempniak -  
Notice from the Town Forestry Department of acceptance of landscape plan regarding proposed Seven Unit Apartment Building, 5849 Broadway. DISPOSITION = Resolution 9/10/07
466. Chief of Police to Town Board -  
Request resolution to appoint Officer James Formato as School Resource Officer. DISPOSITION = Resolution 9/10/07
467. Chief of Police to Town Board -  
Request resolution to appoint Officer Thomas Bulera as Detective. DISPOSITION = Resolution 9/10/07
468. Chief to Police to Town Board -  
Request resolution to appoint Shirley Hunt as Clerk Typist. DISPOSITION = Resolution 9/10/07
469. Greenman - Pedersen, Inc. to Town Board -  
Request permission to strip topsoil at the Greens at Pleasant Meadows Subdivision IV and two other adjacent sites in the subdivision. DISPOSITION = Town Attorney
470. Town Attorney to Town Board, Planning Board -  
Notice of SEQR meeting to be held September 10, 2007, 6:30 PM regarding the proposed Seven Unit Apartment Building, 5849 Broadway. DISPOSITION = Received and Filed
471. Town Clerk to Various News Media -  
Notice of SEQR meeting to be held September 10, 2007, 6:30 PM regarding the proposed Seven Unit Apartment Building, 5849 Broadway. DISPOSITION = Received and Filed

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER STEMPIAK, SECONDED BY COUNCIL MEMBER MONTOUR AND CARRIED,** the meeting was adjourned at 10:05 P.M.

Signed

  
Johanna M. Coleman, Town Clerk